

### **Remark**

In response to the restriction requirement of October 30, 2006, Applicant elects claims from Group I, without traverse. Claims 8-10 and 12-18 have been amended. Claims 19 and 20 have been cancelled without prejudice, in response to the Restriction Requirement issued by the Examiner. Therefore claims 1-18 are present for examination.

### **Election**

The Examiner has suggested that the claims be restricted to Claims 1-11 and that claims 12-20 belong to another group. Applicants hereby elect group 1, claims 1-11 with traverse to include Claims 12-18, as amended.

The Examiner states that there are two groups if either of two conditions can be shown. The first condition is that the process can be used to make another and materially different product. Claim 12 has been amended to recite only that it is an apparatus. Accordingly, the process cannot be used to make anything other than the apparatus claimed. The second condition is that the product can be made by another materially different process. Since the claim recites that the product is made by the process of Claim 1, it cannot be made by another process. Accordingly, Claim 12 is not directed to a distinct invention and the restriction with respect to Claim 1 is, respectfully, traversed.

Claims 13-18 are amended to depend from Claim 12 and are in the same group as Claim 12 for that reason.

### **Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) The specification has been amended to eliminate reference to block 328.

### **Specification**

The disclosure is objected to because of an informality with respect to LAN port 69 in paragraph 0036, this has been corrected to 969.

### **35 U.S.C. §112 Rejection**

The Examiner has rejected claim 9 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Referring to page 10, line 1, "it refers to moving equipment that was acting on the wafer." This certainly indicates that the inventors were in possession of the claimed subject matter. As to enablement, the specification refers to a showerhead type chamber. These were in use before the filing of the present application and allowed for the wafer to stay in one place while the equipment (showerhead) was moved.

### **35 U.S.C. §112 Rejection**

The Examiner has rejected claims 8, 9, and 10 under 35 U.S.C. §112, second paragraph, for lack of antecedent basis. These claims have been amended.

### 35 U.S.C. §103 Rejection

#### *Maes in view of Nguyen*

The Examiner has rejected claims 1-8 and 10-11 under 35 U.S.C. §103 (a) as being unpatentable over Maes, U.S. Patent No. 6,818,517 ("Maes"), in view of Nguyen et al., U.S. Patent Publication No. 2004/015845 ("Nguyen"). Claim 1, for example, recites, *inter alia*, "introducing a deposition gas after applying the plasma power." This Examiner appear to be reading this onto the pulsing described in the references.

The Examiner suggests that Maes shows "flowing a deposition gas durin ghte plasma deposition simultaneously or in pulses. The nitride is deposited and the plasma power is shut off." Maes states that, "nitrogen radicals are generated in a remote plasma chamber and are provided to the reaction chamber simultaneously with the silicon source gas." (Col. 5, lines 26-28) Clearly the claim recitation of introducing the gas after applying the plasma power does not read on providing the plasma and the silicon source gas simultaneously.

Maes also describes, "alternating supply of a silicon source gas and the nitrogen radicals or the pulsed supply of a silicon source gas in a continuous flow of nitrogen radicals is contemplated." (Col. 5, lines 40-43) The claims do not read on this statement for at least two reasons. First, neither of these two alternatives say anything about "applying plasma power to a PESCVD chamber," but instead relate to supplying nitrogen radicals. The nitrogen radicals, however "are generated in a remote plasma chamber." Second, the remote plasma power may be on constantly or not, the reference does not say. The reference is concerned only with the flow of gases.

The remaining claims depend from Claim 1 and are believed to be allowable on that basis as well as for the specific limitations set forth in each claim, respectively.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary.

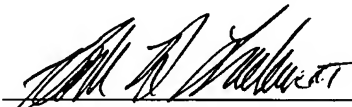
Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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